IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15764 of 2004

Between:

K.Hanumantha Rao, S/o Veranjaneyulu,
R/o Talarlepalli, Nuzendla Mandal, Guntur District

..... PETITIONER

AND

1 The Joint Collector, Guntur, Guntur District
2 The Revenue Divisional Officer, Narasaraopet, Guntur District
3 The Mandal Revenue Officer, Nuzendla, Guntur District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in passing the suspension order in Rc.No.1366/2004-B, dated 28-8-2004 suspending the authorization of the petitioner as Fair Price Shop Dealer of Talarlapalli Village, Nuzendla Mandal, Guntur District, as illegal, arbitrary and violation of 14, 19(1)(g) and 21 of the Constitution of India and consequently set aside the same

Counsel for the Petitioner: MR.K.SRINIVAS

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

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ORDER:

Heard both sides.

Petitioner is the authorised Fair Price Shop dealer of Talarlapalli Village of Nuzendla Mandal, Guntur District. His authorisation has been suspended by the second respondent-Revenue Divisional Officer, Narsaraopet, by proceedings dated 28-08-2004 pending enquiry into the alleged irregularities in distribution of the commodities. Aggrieved by the same, the petitioner preferred an appeal before the Joint Collector, Guntur along with an application for stay. The grievance of the petitioner is that the 1st respondent failed to consider even his application for stay and no orders have been passed so far and in the meanwhile he is not allowed to distribute the commodities for the month of September, 2004. He also contends that the allegations made against him are false and without any basis and the suspension of authorisation is not warranted.

Since the statutory appeal is pending before the first

respondent-Joint Collector, Guntur, I am not inclined to express any opinion on merits of the case.

However, having regard to the facts and circumstances of the case, the writ petition is disposed of with a direction to the first respondent-Joint Collector, Guntur to consider the application for stay in the Appeal filed by the petitioner against the order of the 2nd respondent dated 28-08-2004 and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

In the meanwhile, the petitioner shall be permitted to distribute the commodities to the card holders for the month of September, 2004.

Accordingly, writ petition is disposed of. No costs.

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02-09-2004

Note: Issue C.C. by tomorrow

B/o

klp

To

1 The Joint Collector, Guntur, Guntur District
2 The Revenue Divisional Officer, Narasaraopet, Guntur District
3 The Mandal Revenue Officer, Nuzendla, Guntur District

4 2CCs to G.P. for Revenue, High Court buildings, Hyderabad.(OUT).

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